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**From:** Yannayon, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0EC245483F2D4762801CD01D01220F92-LYANNAYO]  
**Sent:** 9/24/2019 6:14:40 PM  
**To:** Clerico, Brian@ARB [Brian.Clerico@arb.ca.gov]  
**Subject:** RE: PERP question

This is great Brian! Thanks for getting back to me on this. I will note it and look for it in any rule revisions I review.

Do you think you might be able to raise the issue at the next CAPCOA's manager mtg? Just noting that there are a lot of varied references out there and that this is how it should be? I think we should choose 1 to promote and I vote for the abbreviated form. What do you think?

Just as an FYI, I've realized that several District exemption rules, like Rule 11 in SD, reference a separate registration rule. While EPA is not too worried about the Portable registration rules since those are not by definition stationary sources, I've noticed that most Districts now have their own registration rule for equipment that is otherwise permit exempt, but that they want to track for some purpose, or when the exemption is based on a criteria that the District wants to be able to check on periodically. Since the registered equipment is also permit exempt, and the permit exemption rule references them, we have determined that the registration rule really needs to be in the SIP as well. Since I will be giving District's this feedback, and Gerardo plans to bring it up at a CAPCOA engineer manager mtg soon, I'd like to give them the correct citation to ARBs PERP program.

Laura

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**From:** Clerico, Brian@ARB <Brian.Clerico@arb.ca.gov>  
**Sent:** Monday, September 23, 2019 12:54 PM  
**To:** Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Subject:** RE: PERP question

Hi Laura

I spoke this morning with Tam Nguyen an attorney at the California Office of Administrative Law, and there is a fair amount of latitude on references to the CCR, but these would be her recommendations:

*Regulation to Establish a Statewide Portable Equipment Registration Program (California Code of Regulations, Title 13, Sections 2450 through 2465, inclusive)*

Or, in a more abbreviated form:

*Regulation to Establish a Statewide Portable Equipment Registration Program (Cal. Code Regs., tit. 13, §§ 2450 through 2465, inclusive)*

Or the regulation name could be omitted entirely:

*Cal. Code Regs., tit. 13, §§ 2450 through 2465, inclusive*

The essential parts are to clearly identify the CCR, the title #, write "through" instead of "-" and add the term "inclusive." The Division, Chapter, Article references are superfluous. You can switch the order of the title and CCR as in *Title 13, California Code of Regulations, Sections 2450 through 2465, inclusive*. Including the name of the regulation is optional.

She agrees with you that consistency is important. I like the name of the regulation appearing in the reference, but it does add to the length, if that is an issue.

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**From:** Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Sent:** Wednesday, September 18, 2019 12:56 PM  
**To:** Clerico, Brian@ARB <Brian.Clerico@arb.ca.gov>  
**Subject:** RE: PERP question

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Hi Brian,

Thanks for getting back to me. I'll await your formal response before I comment to the District. Seems we should settle on one reference and ensure all the District's are using it in their permit related rules!

Laura

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**From:** Clerico, Brian@ARB <Brian.Clerico@arb.ca.gov>  
**Sent:** Wednesday, September 18, 2019 12:50 PM  
**To:** Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Subject:** RE: PERP question

Hi Laura

Sorry for the late response; I was out of the office yesterday.

I'm awaiting a response from an Office of Administrative Law "reference attorney" to get you an answer you can take to the bank.

Based on my informal survey, there appears to be a lot of latitude in how CARB will refer to another regulation within a CARB regulation. A few examples I've found:

- Title 17, CCR, Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records)
- AB 32 Cost of Implementation Fee Regulation (California Code of Regulations, sections 95200-95207)
- California Code of Regulations, title 14, section 15378
- In the Portable Compression Engine Air Toxic Control Measure Regulation, which had some updates finalized in late 2018, the PERP regulation is referred to as the "Statewide Portable Equipment Registration Program" without any CCR references.

In the meantime, I checked a few districts' rules. For what it's worth, San Joaquin Valley appears to me to have an accurate reference at least.

*SJVAPCD, Rule, 2020, 6.16.1: Statewide Portable Equipment Registration Program (California Code of Regulations Title 13, Division 3, Chapter 9, Article 5, Sections 2450-2465)*

*BAAQMD has the wrong Chapter  
Regulation 2, Rule 1, Section - 105: Statewide Portable Equipment Registration Program (California Code of Regulations Title 13, Division 3, Chapter 3, Article 5)*

And South Coast AQMD Rule 219 section (r) has the wrong code  
"Health and Safety Code §2451 of the Statewide Portable Equipment Registration Program (PERP),"

Seems like this is the wild wild west for references.

Anyway, I'll let you know as soon as I hear something from the OAL attorney.



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**From:** Yannayon, Laura <[Yannayon.Laura@epa.gov](mailto:Yannayon.Laura@epa.gov)>  
**Sent:** Tuesday, September 17, 2019 1:33 PM  
**To:** Clerico, Brian@ARB <[Brian.Clerico@arb.ca.gov](mailto:Brian.Clerico@arb.ca.gov)>  
**Subject:** PERP question

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Hi Brian,

Hoping you can help with a question I have. Several CA rules cite to the PERP program in their permit exemption rules. For example is SD rule 12:

Registration ~~under this rule, or under District Rule 12.1 – (Portable Equipment Registration),~~ or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting.

I saw that ARB has a an actual regulation for PERPs:

Final Regulation Order Effective November 30, 2018

Regulation to Establish a Statewide Portable Equipment Registration Program

§ 2450. Purpose.

(a) These regulations in this Article establish a statewide program for the registration and regulation of portable engines and engine-associated equipment (portable engines and equipment units) as defined herein. Registration under this program allows portable engines and equipment units to operate throughout the State of California without authorization (except as specified herein) or permits from air quality management or air pollution control districts (districts). These regulations preempt districts from permitting, registering, or regulating portable engines and equipment units, including equipment necessary for the operation of a portable engine (e.g. fuel tanks), registered with the Executive Officer of the Air Resources Board except in the circumstances specified in the regulations.

(b) Registration under these regulations does not relieve any obligation under other applicable law.

I'm wondering if there is a cleaner way to cite to a CARB's PERP program. I didn't see that the final regulation order had a specific citation. If CARB were referring to equipment registered under the PERP program, what formal name/title would it use to cite it?

Any thoughts/info you might have would be appreciated!

Thanks,  
Laura

PS, we should chat soon about SJV's ERC work ARB is doing and SC's efforts to revise RECLAIM and address SB288 issues.